REMARKS

Claims 1, 2, 4-7 have been amended. Support for the claims can be found throughout the specification, including the Examples.

Claims 3, 9 and 10 have been cancelled. Therefore, the rejections of claims 9 and 10 under 35 U.S.C. 101, 35 U.S.C. 112, first paragraph, and 35 U.S.C. 102 are deemed moot.

Claim Objections

Claims 1 and 2 have been amended to include the Examiner's suggestions. More specifically, claim 1 recited ---administering to said mammal in need of such a treatment, a dose, effective against said disease of ---. Claim 2 has been amended to correct the spelling error.

35 U.S.C. 112, first paragraph rejection

Claims 1-7 were rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement. The Examiner argued that the administration of *a* compound I of the following formula fails to provide adequate written description. Claim 1 has been amended to make reference to 4-(4-methylpiperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl)pyrimidin-2-ylamino)phenyl]-benzamide. Applicants believe the present set of claims overcome the 35 U.S.C. 112, first paragraph rejections.

35 U.S.C. 103(a) Rejection

Claims 1-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/03854) in light of Mouriaux et al. in view of Ijland et al. The Examiner argued that one of ordinary skill in the art at the time of the invention would have found it prima facie obvious to use the methansulfonate salt of 4-(4-methylpiperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl)pyrimidin-2-ylamino)phenyl]-benzamide for the treatment of uveal melanoma with a reasonable expectation of success because Zimmerman et al. expressly teaches it as an antitumor agent with the ability to inhibit VEGF and Ijland et al. teaches the significant expression of VEGF in uveal melamona cells for neovascularization and angiogenesis to encourage metastic growth of the uvela tumor growth. Applicants respectfully disagree.

Example 1 starting on page 4 of the specification describes the dose response for the treatment of 4 uveal melanoma cell lines with the methansulfonate salt of 4-(4-methylpiperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl)pyrimidin-2-ylamino)phenyl]-benzamide. To examine the anti-proliferative effects of the methansulfonate salt of 4-(4-methylpiperazin-1-ylmethyl)-N-[4-

methyl-3-(4-pyridin-3-yl)pyrimidin-2-ylamino)phenyl]-benzamide on the uveal melanoma cell lines, OCM-1, OCM-3, 92-1 and mel 202, cells are unclubated with different concentrations of the drug for 48 hours, after which the level of cell viability is assayed. The Table on page 5 of the specification shows the dose response in percentage. There is an unexpected result from using the methansulfonate salt of 4-(4-methylpiperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl)pyrimidin-2-ylamino)phenyl]-benzamide on these cell lines in that a drastic cell loss was noticed.

Based on the teachings, a person of ordinary skill in the art would not have predicted the drastic results observed in the present application. More specically, the improvement to treat patients suffering from uveal melanoma with the methansulfonate salt of 4-(4-methylpiperazin-1-ylmethyl)-N-[4-methyl-3-(4-pyridin-3-yl)pyrimidin-2-ylamino)phenyl]-benzamide is more than the predicable use of the prior art references.

In addition, the application of a known compound for a second indication is not obvious because pharmaceutical therapies are inherently unpredictable. A person of ordinary skill in the art would not have arrived at the claimed invention without first performing the Examples described in the present application to determine efficacy. Therefore, applicants respectfully request that the 35 U.S.C. 103(a) rejection be withdrawn from consideration.

The rejection against claim 3 is rendered moot due to the cancellation of this claim.

Entry of this Response is respectfully requested.

Respectfully submitted,

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